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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/077,724

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Sean A. Cerniglia

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HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

LEE, JINHEE J

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,724	<b>Applicant(s)</b> CERNIGLIA ET AL. <i>CK</i>	
	<b>Examiner</b> Jinhee J Lee	<b>Art Unit</b> 2831	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/7/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). **The drawings must show every feature of the invention specified in the claims.** Therefore, the base portion and head portion of claims 8 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. **Drawings do not clearly show (i.e. with an item number) base portion and head portion.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. **Failure to timely submit the proposed drawing correction will result in the abandonment of the application.**

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Radloff (US005575546A).

Re claim 1, Radloff discloses an assembly comprising: a filler panel body (14a for example); and a handle element (mount 14b for example) integral with said filler panel body, said handle element fixedly coupled with said filler panel body, said handle element adapted to provide a grasping surface above said filler panel body to provide removable coupling of said filler panel body with respect to a chassis (see figure 1 and abstract).

Re claim 2, note that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Re claim 3, Radloff discloses an electromagnetic interference (EMI) shield portion (Unnumbered, outer edges of 14a as well as 16f, 16h, 16 g and 16l for example) coupled with said filler panel body, said EMI shield portion adapted to prevent EMI leakage from said chassis (see figure 1 and column 6 lines 13-15 according to the numbering in the middle).

Re claim 8, Radloff discloses, wherein said handle element is comprised of: a base portion (unnumbered portion of 14b closest to the item 14a for example); and a head portion (unnumbered portion including portion with 14d for example) fixedly coupled with said base portion, said head portion being disposed above said base portion in a manner which provides a grasping surface for removably coupling said filler panel body with respect to said chassis (see figure 2 for example).

Re claim 9, Radloff discloses, wherein said base portion is flush with said filler panel body (where 14a and 14b meet for example, see figure 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radloff.

Re claim 4, Radloff substantially discloses an attaching device (16g and 16f for example) adapted to be coupled with said filler panel body, said attaching device for removably coupling said filler panel body with said chassis. Radloff does not explicitly disclose that the coupling was in accordance with a compact peripheral component interconnect standard. However, the applicant has pointed out in his argument dated 6/7/04 that this standard is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the well known

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standard to couple the filler panel body and the chassis in order to interconnect the two portions.

Re claim 5, note that Radloff discloses, wherein said handle element does not destructively interfere with said attaching device coupled with said filler panel body.

Re claim 6, Radloff substantially discloses an attaching device (16g and 16f for example) adapted to be coupled with said filler panel body, said attaching device removably coupling said filler panel body with said chassis. Radloff does not explicitly disclose that the coupling was in accordance with a VersaModular Eurocard standard. However, the applicant has pointed out in his argument dated 6/7/04 that this standard is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the well known standard to couple the filler panel body and the chassis in order to interconnect the two portions.

Re claim 7, note that Radloff discloses, wherein said handle element does not destructively interfere with said attaching device coupled with said filler panel body.

### ***Response to Arguments***

8. Applicant's arguments with respect to the drawing objection have been fully considered but they are not persuasive.

In response to applicant's argument that "It is clearly stated that the head portion of the handle element 902 being disposed above the base portion and that the ... such

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that the base portion". Examiner reiterates the objection "drawings must show every feature of the invention specified".

Applicant also argues that "Figure 9A has a head portion and a base portion" and that the restriction has caused "the ability to clearly define the claims in the drawings has been severely limited." Examiner disagrees with the argument. The applicant has stated that the pending claims read on the species of the figure chosen. Further the applicant has stated that this figures has the items in the drawing objection in the argument. Applicant should be able to place item numbers on the base portion and head portion as requested.

Applicant also argues that the restriction was improper. Examiner disagrees. The applicant has elected without traverse the species. Further applicant is confusing in his arguments "while also not making a statement that the species are patentably distinct" and "is also not making a statement that the species are not patentably distinct."

The restriction requirement is still deemed proper and is therefore made FINAL.

9. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jjl  
August 19, 2004

 8/23/04  
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